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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA, ) No. CR 08-00351 SBA  
Plaintiff, ) STIPULATION TO SCHEDULE  
v. ) HEARING FOR CHANGE OF PLEA AND  
KENNETH MOORE, ) SENTENCING; ORDER EXCLUDING  
Defendant. ) TIME

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Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. The government and defendant have reached a negotiated disposition in which defendant will plead guilty to a binding plea agreement.

2. Accordingly, the parties hereby submit the proposed plea agreement, submitted under separate cover for the Court's consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The parties further stipulate and request that the Court find and order the following:

(a) That the parties have submitted a plea agreement for the Court's consideration pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and that a hearing for

1 change of plea and imposition of judgment and sentence be scheduled for 10:00 a.m. on October  
2 21, 2008; and that the time period from July 8, 2008, through October 21, 2008, is excludable  
3 under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(1)(I) because that period of delay  
4 results from consideration by the Court of a proposed plea agreement entered into by the  
5 defendant and the government pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C).

6 IT IS SO STIPULATED.

7 DATE: July 8, 2008

Respectfully submitted,

8 JOSEPH P. RUSSONIELLO  
United States Attorney

9 \_\_\_\_\_/s/  
10 GARTH HIRE  
11 Assistant United States Attorney

12 Attorneys for Plaintiff  
13 UNITED STATES OF AMERICA

14 DATE: July 8, 2008

15 \_\_\_\_\_/s/  
16 DIANA WEISS, ESQ.

17 Counsel for Kenneth Moore

18 **ORDER**

19 FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

20 A hearing for change of plea and imposition of judgment and sentence is hereby  
21 scheduled for 10:00 a.m. on October 21, 2008. Time is excluded for purposes of the Speedy  
22 Trial Act from July 8, 2008, through the hearing date of October 21, 2008, pursuant to 18 U.S.C.  
23 § 3161(h)(1)(I) because that period of delay results from consideration by the Court of a  
24 proposed plea agreement entered into by the defendant and the government pursuant to Federal  
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1 Rule of Criminal Procedure 11(c)(1)(C). The United States Probation Office is ordered to  
2 prepare a Presentence Report for defendant.

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4 DATED: 7/8/08

*Saundra B. Armstrong*  
5 HONORABLE SAUNDRA BROWN ARMSTRONG  
6 UNITED STATES DISTRICT JUDGE  
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